

MESSAGE NO: 9096203

MESSAGE DATE: 04/06/2009

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: PRE-Preliminary PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-533-849

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 04/06/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF PRELIMINARY DETERMINATION IN THE COUNTER- VAILING DUTY
INVESTIGATION OF MATCHBOOKS FROM INDIA (C-533-849)

MESSAGE NO: 9096203

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REFERENCE:

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CASES: C - 533 - 849

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PERIOD COVERED: 04 06 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF PRELIMINARY DETERMINATION IN THE COUNTER-
VAILING DUTY INVESTIGATION OF MATCHBOOKS FROM INDIA
(C-533-849)

1. ON 04/06/2009, COMMERCE PUBLISHED IN THE FEDERAL REGISTER
(74 FR 15444) ITS PRELIMINARY AFFIRMATIVE DETERMINATION AND
ALIGNMENT OF ITS FINAL COUNTERVAILING DUTY DETERMINATION OF
COMMODITY MATCHBOOKS FROM INDIA UNTIL NO LATER THAN 08/10/2009,
THEREBY ALIGNING IT WITH THE DUE DATE FOR THE FINAL
DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF
COMMODITY MATCHBOOKS FROM INDIA.

2. THE SCOPE OF THE INVESTIGATION COVERS COMMODITY MATCHBOOKS,

ALSO KNOWN AS COMMODITY BOOK MATCHES, PAPER MATCHES OR BOOKLET

MATCHES. (NOTE 1, BELOW) COMMODITY MATCHBOOKS TYPICALLY, BUT DO NOT NECESSARILY, CONSIST OF TWENTY MATCH STEMS WHICH ARE USUALLY MADE FROM PAPERBOARD OR SIMILAR MATERIAL TIPPED WITH A MATCH HEAD COMPOSED OF ANY CHEMICAL FORMULA. THE MATCH STEMS MAY BE STITCHED, STAPLED OR OTHERWISE FASTENED INTO A MATCHBOOK COVER OF ANY MATERIAL, ON WHICH A STRIKING STRIP COMPOSES OF ANY CHEMICAL FORMULA HAS BEEN APPLIED TO ASSIST IN THE IGNITION PROCESS.

COMMODITY MATCHBOOKS INCLUDED IN THE SCOPE OF THIS INVESTIGATION MAY OR MAY NOT CONTAIN PRINTING. FOR EXAMPLE, THEY MAY HAVE NO PRINTING OTHER THAN THE IDENTIFICATION OF THE MANUFACTURER OR IMPORTER. COMMODITY MATCHBOOKS MAY ALSO BE PRINTED WITH A GENERIC MESSAGE SUCH AS "THANK YOU" OR A GENERIC IMAGE SUCH AS THE AMERICAN FLAG, WITH STORE BRANDS (E.G., KROGER, 7-ELEVEN, SHURFINE OR GIANT); PRODUCT BRANDS FOR NATIONAL OR REGIONAL ADVERTISERS SUCH AS CIGARETTES OR ALCOHOLIC BEVERAGES; OR WITH CORPORATE BRANDS FOR NATIONAL OR REGIONAL DISTRIBUTORS (E.G., PENLEY CORP. OR DIAMOND BRANDS). THEY ALL ENTER RETAIL DISTRIBUTION CHANNELS.

REGARDLESS OF THE MATERIALS USED FOR THE STEMS OF THE MATCH AND REGARDLESS OF THE WAY THE MATCH STEMS ARE FASTENED TO THE MATCHBOOK COVER, ALL COMMODITY MATCHBOOKS ARE INCLUDED IN THE SCOPE OF THIS INVESTIGATION.

ALL MATCHBOOKS, INCLUDING COMMODITY MATCHBOOKS, TYPICALLY COMPLY WITH THE UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION (CPSC) SAFETY STANDARD FOR MATCHBOOKS, CODIFIED AT 16 CFR 1202.1 ET SEQ.

THE SCOPE OF THIS INVESTIGATION EXCLUDES PROMOTIONAL MATCHBOOKS, OFTEN REFERRED TO AS "NOT FOR RESALE," OR "SPECIALITY ADVERTISING" MATCHBOOKS, AS THEY DO NOT ENTER INTO RETAIL CHANNELS AND ARE SOLD TO BUSINESSES THAT PROVIDE

HOSPITALITY, DINING, DRINKING OR ENTERTAINMENT SERVICES TO THEIR CUSTOMERS, AND ARE GIVEN AWAY BY THESE BUSINESSES AS PROMOTIONAL ITEMS.

SUCH PROMOTIONAL ITEMS ARE DISTINGUISHED BY THE PHYSICAL CHARACTERISTICS OF HAVING THE NAME AND/OR LOGO OF A BAR, RESTAURANT, RESORT, HOTEL, CLUB, CAFE/COFFEE SHOP, GRILL, PUB, EATERY, LOUNGE, CASINO, BARBECUE OR INDIVIDUAL ESTABLISHMENT PRINTED PROMINENTLY ON THE MATCHBOOK COVER. PROMOTIONAL MATCHBOOK COVER PRINTING ALSO TYPICALLY INCLUDES THE ADDRESS AND THE PHONE NUMBER OF THE BUSINESS OR ESTABLISHMENT BEING PROMOTED. (NOTE 2, BELOW)

ALSO EXCLUDED ARE ALL OTHER MATCHES THAT ARE NOT FASTENED INTO A MATCHBOOK COVER SUCH AS WOODEN MATCHES, STICK MATCHES, BOX MATCHES, KITCHEN MATCHES, POCKET MATCHES, PENNY MATCHES, HOUSEHOLD MATCHES, STRIKE-ANYWHERE MATCHES (AKA "SAW" MATCHES), STRIKE-ON-BOX MATCHES (AKA "SOB" MATCHES), FIREPLACE MATCHES, BARBEQUE/GRILL MATCHES, FIRE STARTERS, AND WAX MATCHES.

THE COMMODITY MATCHBOOKS THAT ARE THE SUBJECT OF THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) STATISTICAL REPORTING NUMBER 3605.00.0060. SUBJECT MERCHANDISE MAY ALSO ENTER UNDER SUBHEADING 3605.00.0030. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES,

THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

NOTE 1: SUCH COMMODITY MATCHBOOKS ARE ALSO REFERRED TO AS "FOR RESALE" BECAUSE THEY ALWAYS ENTER INTO RETAIL CHANNELS, MEANING BUSINESSES THAT SELL A GENERAL VARIETY OF TANGIBLE MERCHANDISE, E.G., CONVENIENCE STORES, SUPERMARKETS, DOLLAR STORES, DRUG STORES AND MASS MERCHANDISERS.

NOTE 2: THE GROSS DISTINCTIONS BETWEEN COMMODITY MATCHBOOKS AND PROMOTIONAL MATCHBOOKS MAY BE SUMMARIZED AS FOLLOWS: (1)

IF IT HAS NO PRINTING, OR IS PRINTED WITH A GENERIC MESSAGE SUCH AS "THANK YOU" OR A GENERIC IMAGE SUCH AS THE AMERICAN FLAG, OR PRINTED WITH NATIONAL OR REGIONAL STORE BRANDS OR CORPORATE BRANDS, IT IS COMMODITY; (2) IF IT HAS PRINTNG, AND THE PRINTING INCLUDES THE NAME OF A BAR, RESTAURANT, RESORT, HOTEL, CLUB, CAFE/COFFEE SHOP, GRILL, PUB, EATERY, LOUNGE, CASINO, BARBECUE, OR INDIVIDUAL ESTABLISHMENT PROMINENTLY DISPLAYED ON THE MATCHBOOK COVER, IT IS PROMOTIONAL.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-533-849.

4. FOR IMPORTS OF COMMODITY MATCHBOOKS FROM INDIA, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION, ON OR AFTER 04/06/2009. EFFECTIVE 04/06/2009, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE SUBSIDY RATES SHOWN BELOW:

PRODUCER: TRIVENI SAFETY MATCHES PVT., LTD.
EXPORTER: TRIVENI SAFETY MATCHES PVT., LTD.
CASE NUMBER: C-533-849-001
CASH DEPOSIT/SUBSIDY RATE: 11.23 PERCENT

5. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER CURRENTLY HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE 'ALL OTHERS' RATE OF 11.23 PERCENT TO ESTABLISH THE CASH DEPOSIT OR BONDING RATE.

CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING

OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O6:SC).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party